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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY-DOCKET NO.
08/582,771	01/02/96	IMAMURA	Y P1500.D1

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INTELLECTUAL PROPERTY DEPARTMENT
S MOS SYSTEMS INC.
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EXAMINER

BELL, P

ART UNIT

PAPER NUMBER

2775

DATE MAILED: 03/26/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/582,771

Applicant(s)
Imamura

Examiner
PAUL BELL

Group Art Unit
2775



☒ Responsive to communication(s) filed on Jan 2, 1996

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 27-32 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 27-32 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☒ received in Application No. (Series Code/Serial Number) 07/834,295

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 1

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. An example of a more descriptive title would be;

"FLAT DISPLAY AND DISPLAY DRIVER WITH AN ON/OFF POWER CONTROLLER USED TO PREVENT DAMAGE TO THE LCD".

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321[©] may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 27-32 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 7, 10, 11, 18, 21, 22, 30, 37, 44, 52 and 59 of U.S. Patent No. 5,563,624. Although the conflicting claims are not identical, they are not patentably distinct from each other because all the limitations of applicants more broad claims 27-32 are in the more narrow claims of the parent case which became a patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: The present claims are viewed as more broad than the patent. For example the applicant now uses the term "a flat display panel" instead of "a flat display body", "display driver means" instead of "display body driving means". The "display control unit" and signal management control means as claimed in patent performed the same functions as now claimed.

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The present claims are obvious since both the application and the patent use the exact same specification to support the claims. Furthermore, there is no apparent reason why applicant was prevented from presenting claims 27-32 corresponding to those of the instant application during prosecution of the application which matured into a patent. *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804. The claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 27-32 are rejected under 35 U.S.C. § 103 as being unpatentable over Zenda (5,629,715) in view of teachings from Lower (4,855,892) and/or Siska, Jr. (4,674,031) and/or Middleton et al. (4,453,208).

In regards to claims 27-32, Zenda to summarize teaches a flat display panel with display driving means (CPU 11 and display controller 132) for supplying display driver voltages, the driving device comprises a signal detection means (CPU 11 detects the connected display via the I/O register of controller 35 as shown in figure 3), also the display controller 132 includes a display function killer circuit shown in fig 3 (col. 4, lines 54-64). It is inherent that this switch must be deactivated so display can work again. Zenda does not directly use the phrase "delay" in the sequencing of power but examiner contends that such an electronic design practice is well known in the prior art and therefore would be obvious. For example, Lower teaches sequencing circuitry for the display power supply which causes a turn on delay dependent on the other computer operational voltages properly functioning (abstract, col. 1 lines 57-68, col. 2 lines 3-18 and figures 1-5). Siska, Jr. teaches of switching transients and the problems associated with turning on devices within the total system in a simultaneous manner and stresses the importance of proper sequencing and delay (col. 1, lines 39-60). Also Middleton et al. teaches that memory units which require that they be energized by power sources representing different energy or voltage levels and because of the intricacies of the memory units, these several power sources may not be simultaneously applied to the memory units nor may they be simultaneously removed from the memory units. Rather, the power units must be applied in a predetermined sequence and after predetermined delays. The examiner contends that a liquid crystal can be considered a memory device.

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6. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

7. The information disclosure statement filed 1/2/96 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. Note foreign patent documents 50195, 97593 and 117190 are not in this application and in addition are not in any of the parent cases, therefore please provide a copy in next response.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Bell whose telephone number is (703) 306-3019. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

**Any response to this action should be mailed to: Commissioner of Patents and Trademarks
Washington, D.C. 20231**

or faxed to: (703) 308-9051, (for formal communications intended for entry)

Or: (703) 308- 8606 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to: Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

PAB

Paul Bell
3/19/98

Steven J. Saras
STEVEN J. SARAS
SUPERVISORY PATENT EXAMINER
GROUP 2700